

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SRI INTERNATIONAL, INC., a California
Corporation,

Plaintiff and
Counterclaim-Defendant,

v.

INTERNET SECURITY SYSTEMS, INC.,
a Delaware corporation, INTERNET
SECURITY SYSTEMS, INC., a Georgia
corporation, and SYMANTEC
CORPORATION, a Delaware corporation,

Defendants and
Counterclaim-Plaintiffs.

C. A. No. 04-1199 (SLR)

~~[PROPOSED]~~ ORDER GRANTING RULE 54(b) CERTIFICATION

On October 17, 2006, this Court granted defendants Internet Security Systems, Inc., a Georgia corporation, Internet Security Systems, Inc., a Delaware corporation, and Symantec Corp.'s (collectively, the "Defendants") motion for summary judgment that the four patents-in-suit in this action are invalid. The grant of summary judgment in favor of the Defendants did not dispose of plaintiff SRI International, Inc.'s ("SRI") claims for infringement or the Defendants' counterclaims for declaratory judgment of non-infringement or inequitable conduct.

Sound judicial administration and efficiency will be served by an appellate consideration of the invalidity issues set forth in the Court's October 17, 2006 Memorandum Opinion granting summary judgment. Accordingly, pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, this Court now makes (a) "an express determination that there is no just reason for delay," and (b) "an express direction for the entry of judgment" in favor of the Defendants on their counter-claims for declaratory judgment that the patents-in-suit are invalid. The Court is entering this Rule 54(b)

judgment for the purpose of rendering a final judgment appealable to the Federal Circuit.

See Nystrom v. Trex Co., Inc., 339 F.3d 1347, 1351 (Fed. Cir. 2003).

The Joint Motion For Rule 54(b) Certification of the Defendants' claim for declaratory judgment that the patents-in-suit are invalid is GRANTED.

IT IS SO ORDERED this 10 day of January, 2007.

Sue L. Tolman

United States District Judge